

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
RAFAEL ALVAREZ,	:	
a/k/a "the Magician,"	:	S1 24 Cr. 221 (JPO)
	:	
Defendant.	:	
-----	x	

WHEREAS, on or about December 17, 2024, RAFAEL ALVALREZ a/k/a "the "Magician," (the "Defendant"), was charged in a Superseding Information, S1 24 Cr. 221 (JPO) (the "Information"), with conspiracy to defraud the United States and steal government funds, in violation of Title 18, United States Code, Section 371 (Count One); and aiding and assisting preparation of a false and fraudulent U.S. Individual income tax return, in violation of Title 26, United States Code, Section 7206(2), and Title 18, United States Code, Section 2 (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about December 17, 2024, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and

Title 28, United States Code, Section 2461(c), a sum of money equal to \$11,840,400.00 in United States currency, representing proceeds traceable to the commission of said offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$11,840,400.00 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with a co-conspirator (the “Co-conspirator”), to the extent a forfeiture money judgment is entered against the Co-conspirator in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Edward Y. Kim, Acting United States Attorney, Assistant United States Attorney David R. Felton, of counsel, and the Defendant and his counsel, Michael K. Bachrach, Esq. and Richard Rosenberg, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$11,840,400.00 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-conspirator, to the extent a forfeiture money judgment is entered against the Co-conspirator in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, RAFAEL

ALVALREZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Department of Treasury or its designee shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

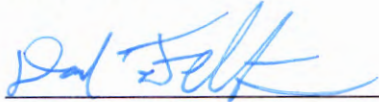
8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

EDWARD Y. KIM

Acting United States Attorney for the
Southern District of New York

By:



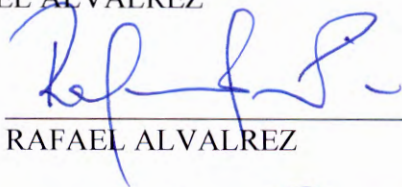
DAVID R. FELTON
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26 Federal Plaza, 38th Floor
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(212) 637-2299

12-17-24

DATE

RAFAEL ALVALREZ

By:



RAFAEL ALVALREZ

12/17/24

DATE

By:

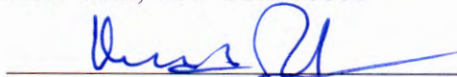


MICHAEL K. BACHRACH, ESQ.
Attorney for Defendant
224 West 30th Street, Suite 302
New York, New York 10001

12/17/24

DATE

By:



RICHARD ROSENBERG, ESQ.
Attorney for Defendant
601 West 57th Street, Apartment 3B
New York, New York 10019

12/17/2024

DATE

SO ORDERED:



HONORABLE J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE

12/17/24

DATE